

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:05CR365</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>JAMES C. HOENSELAAR,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court on the motion for an extension of time by defendant James C. Hoenselaar (Hoenselaar) (Filing No. 36). Hoenselaar seeks an extension of time until November 4, 2005, in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 24). Defense counsel represents that Hoenselaar agrees to the extension and a waiver of speedy trial will be filed as soon as it is returned by the defendant. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

Defendant Hoenselaar's motion for an extension of time (Filing No. 36) is granted. Defendant Hoenselaar is given until **on or before November 4, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 24). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 31, 2005 and November 4, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 31st day of October, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge